

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

BRANCH BANK AND TRUST,  
AS ADMINISTRATOR OF THE ESTATES  
OF GEORGE LACY COYLE, JR. AND  
JULIA HOLT COYLE; CLAIBORNE HOLT  
COYLE; LUCY HOLDEN COYLE; ISABEL  
COYLE GILKESON; THOMAS CLAIBORNE  
COYLE; JAMES TEMPLE COYLE; and  
ISABEL HOLT DANNENBERG,

Plaintiffs,

v.

CIVIL ACTION NO. 2:04-0981

ENGINE COMPONENTS, INC., *et al.*,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before this court is defendant Engine Components, Inc.'s ("ECI") motion to reconsider this court's order denying the motion to abstain (Doc. No. 61). This court's opinion and order denying the motion to abstain are documents number 57 and 58 respectively in the court file. The court has reviewed the briefs submitted by the parties and also has reviewed the parties' original briefs and the court's original opinion and order. For the reasons stated below, the motion is DENIED.

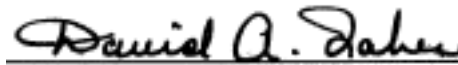
Defendant ECI does not argue that this court applied the wrong standard in ruling on the motion to abstain. See Doc. No. 61 ("As the Court appropriately analyzed in its Order . . . the Colorado River Doctrine is the applicable law to be applied. . . .). Rather, defendant ECI takes exception with the court's application of that standard. Defendant ECI references

one case from the Seventh Circuit Court of Appeals, one case from the District of Maryland, one case from the Southern District of Florida, and one case from the District of Florida in support of its argument for a different application of the Colorado River Doctrine. See Doc. No. 61 at 4-6. Each one of these cases was decided long before ECI filed its original motion for abstention and do not constitute new or changed law since this court's order. Moreover, none of the cases cited by ECI are binding on this court. Nevertheless, this court has reviewed its original opinion and order and reevaluated the reasoning behind that decision. The court can find no reason to alter the court's prior order. Accordingly, defendant ECI's motion to reconsider order denying motion to abstain (Doc. No. 61) is DENIED.

The Clerk is directed to send copies of this Memorandum Opinion to all counsel of record.

It is SO ORDERED this 31st day of August, 2005.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Chief Judge